

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:07-CR-00195-RJC

USA

v.

EDUARDO SAENZ (1)

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ORDER

**THIS MATTER** is before the Court on the defendant's Motion for Judicial Notice Pursuant to Rule 201. (Doc. No. 245).

The Court entered its Judgment on March 16, 2009, (Doc. No. 182), which the defendant did not appeal or collaterally attack. In the instant motion, it appears that he is attempting to use a Rule of Evidence to challenge the Court's subject matter jurisdiction over his case. (Doc. No. 245: Motion at 3). Rule 201 allows the Court to take judicial notice of adjudicative facts during a proceeding. Here, there is no pending proceeding. The defendant specifically states his challenge is not to be construed as a motion under 28 U.S.C. §§ 2255 or 2241 or Rule 60(b) of the Federal Rules of Civil Procedure; however, he has not shown any authority for using a Rule of Evidence as a procedural vehicle to attack a final judgment.

**IT IS, THEREFORE ORDERED** that the defendant's Motion, (Doc. No. 245), is **DENIED**.

Signed: October 29, 2018



Robert J. Conrad, Jr.  
United States District Judge

